

2023 -- H 5282 SUBSTITUTE A AS AMENDED

LC001123/SUB A/4

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- PHARMACIES

Introduced By: Representatives Vella-Wilkinson, Noret, Morales, Diaz, Lima, Donovan, Ackerman, McNamara, Bennett, and J. Lombardi

Date Introduced: February 01, 2023

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 5-19.1 of the General Laws entitled "Pharmacies" is hereby amended
2 by adding thereto the following section:

3 **5-19.1-36. Pharmacists -- Contraceptives -- Prescribing.**

4 (a) In accordance with chapter 19.1 of title 5 and adopted by the state board of pharmacy,
5 a pharmacist may prescribe and dispense all short-term, FDA-approved hormonal contraceptives.

6 (b) The state board of pharmacy shall adopt rules to establish, in consultation with the
7 Rhode Island medical board, the Rhode Island state board of nursing and the Rhode Island
8 department of health, and in consideration of guidelines established by the American College of
9 Obstetricians and Gynecologists.

10 (c) A pharmacist shall be required to:

11 (1) Complete educational training approved by the state board of pharmacy that is related
12 to prescribing hormonal contraceptives. This training shall include training on counseling on all
13 methods of FDA-approved contraceptives, including those the pharmacist is not able to prescribe;

14 (2) Provide a self-screening risk assessment tool, based on the current version of the U.S.
15 Medical Eligibility Criteria for Contraceptive Use developed by the Federal Centers for Disease
16 Control and Prevention, that the patient must complete prior to the pharmacist's prescribing the
17 hormonal contraceptive;

18 (3) Provide the patient with a written record of the hormonal contraceptive prescribed and
19 dispensed and advise the patient to consult with a primary care practitioner or women's health care

1 practitioner; and

2 (4) Notify the patients primary care provider that the pharmacist prescribed and/or
3 dispensed a short term, FDA-approved hormonal contraceptive. If the patient does not have a
4 primary care provider, or refuses consent to notify the patients primary care provider, the
5 pharmacist shall provide the patient a list of physicians, clinics or other health care providers to
6 contract regarding follow-up care.

7 (5) Dispense the contraceptives to the patient as soon as practicable after the pharmacist
8 issues the prescription.

9 (d) All state and federal laws governing insurance coverage of contraceptive drugs,
10 devices, products and services shall apply to contraceptives prescribed by a pharmacist under this
11 section; provided, however, an initial prescription issued pursuant to the provisions of this section
12 shall be limited to up to a three (3) month supply.

13 (e) Any individual health plan or group health plan and any health coverage through any
14 commercial health plan shall cover hormonal contraceptives that are prescribed and dispensed by
15 a pharmacist, including contraceptive counseling, if those contraceptives would otherwise be
16 covered if prescribed by another type of health care provider.

17 (f) The Rhode Island state pharmacy board should track and report on accessibility and use,
18 including the number and geographic locations of participating pharmacy stores; and number of
19 pharmacists that are eligible to prescribe.

20 (g) Pharmacies should display signs in stores and on websites indicating on-site, behind-
21 the-counter availability of contraceptives.

22 SECTION 2. Rhode Island Medicaid Reform Act of 2008 Resolution.

23 WHEREAS, The General Assembly enacted Chapter 12.4 of Title 42 entitled “The Rhode
24 Island Medicaid Reform Act of 2008”; and

25 WHEREAS, A legislative enactment is required pursuant to Rhode Island General Laws
26 16 42-12.4-1, et seq.; and

27 WHEREAS, Rhode Island General Laws section 42-7.2-5(3)(i) provides that the Secretary
28 of the Executive Office of Health and Human Services (“Executive Office”) is responsible for the
29 review and coordination of any Medicaid section 1115 demonstration waiver requests and renewals
30 as well as any initiatives and proposals requiring amendments to the Medicaid state plan or category
31 II or III changes as described in the demonstration, “with potential to affect the scope, amount, or
32 duration of publicly-funded health care services, provider payments or reimbursements, or access
33 to or the availability of benefits and services provided by Rhode Island general and public laws”;
34 and

1 WHEREAS, Implementation of adjustments may require amendments to the Rhode
2 Island's Medicaid state plan and/or section 1115 waiver under the terms and conditions of the
3 demonstration. Further, adoption of new or amended rules, regulations and procedures may also be
4 required to allow a pharmacist to prescribe hormonal contraceptives, including contraceptive
5 counseling; now, therefore be it

6 RESOLVED, That this General Assembly hereby approves the proposal stated above; and
7 be it further

8 RESOLVED, That the Secretary of the Executive Office of Health and Human Services is
9 hereby authorized and directed to pursue and implement any waiver amendments, state plan
10 amendment, and/or changes to the applicable department's rules, regulations and procedures
11 approved herein and as authorized by Chapter 12.4 of Title 42 as soon as practicable; and be it
12 further

13 RESOLVED, That this Joint Resolution shall take effect on July 1, 2023."

14 SECTION 3. ~~This act shall take effect on January 1, 2024~~ [Section 1 of this act would take](#)
15 [effect on January 1, 2024 and section 2 would take effect upon passage.](#)

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would authorize a pharmacist to prescribe and dispense hormonal contraceptives,
2 provided that the pharmacist has completed a training program approved by the state board of
3 pharmacy.

4 ~~This act would take effect January 1, 2024~~ [Section 1 of this act would take effect on](#)
5 [January 1, 2024 and section 2 would take effect upon passage.](#)

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